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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,310	10/31/2003	Tadashi Shimazaki	16UL02095	9803
7590 Patrick W. Rasche Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102		01/05/2007	EXAMINER JAWORSKI, FRANCIS J	
			ART UNIT 3768	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/05/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,310	SHIMAZAKI, TADASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jaworski Francis J.	3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on (RCE) 10/10/06.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 9,10 and 15-18 is/are allowed.

6) Claim(s) 1-8,11-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3, 6 – 8, 14 as amended is rejected under 35 U.S.C. 102(b) as being anticipated by Muzilla et al (US5908391).

Muzilla et al in col. 4 lines 16 – 29 and col. 6 lines 14 – 32 as exemplary teaches an ultrasonic pulse transmission system and method for flow determinations which specifying a multiple focal zone set and includes firing a first frame of successive scanlines with each individual scanline having a first fixed focus to effectively produce a preliminary frame set, then producing a second such preliminary frame of scanlines having a further focus, in the course of which there has effectively been an acquiring of a second acoustic line signal belonging to a second frame, such that the adaptively averaged frame which is finally composited from the sets has effectively represented in it a set of acoustic lines each of which has been composited across multiple frames and with intervening differing acoustic lines fired from the the next constituent frame prior to returning to firing the same constituent acoustic line for the next focal zone.

[Alternately stated, each acoustic line signal of the adaptively averaged final frame has resulted from a firing belonging to a first frame with an interleaving of second acoustic line signals from a subsequent frame prior to conducting the next of P pulse

transmissions along the first acoustic line needed to represent the P constituent focal zones.]

Since P in Muzilla et al could reasonably be “ 2 “ , claim 2 is met.

Since Muzilla et al pertains to electronically steered scanline sets, claim 3 is met.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4 and 11 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muzilla et al as argued above, further in view of Mochizuki et al (US5152294) since on the one hand the latter evidences that it would have been well-known to combine mechanical scanning orthogonal to electronic planar scanning in order for example to assemble bloodflow information in 3-D, see col. 1 lines 13 - 26. In the trivial sense then, if the entire process of Muzilla et al were repeated across successive orthogonal increments to assemble a 3-D volume, then the acoustic line signals associated with the adaptively averaged frames of each scan direction would inherently belong to different spatial frames since mechanical and electronic scanning in the orthogonal direction are well-known for purposes of assembling a 3-D volume, the same interpretation regarding acoustic line signal-frame associations would apply to performing the orthogonal component of a 3-D scan electronically.

Claims 5, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muzilla et al as applied above, and further in view of Dubberstein et al (US6159153), since the latter evidences that it was known to perform simultaneous transmissions as analogous to multi-line receptions in association with ultrasound imaging particularly volume imaging in order to improve frame rates.

***Allowable Subject Matter***

Claims 9 – 10, 15 - 18 are allowed.

**Response to Arguments**

Since Muzilla et al effectively assemble any individual acoustic signal line or scanline by compositing from initial frames and adaptively averaging, the final averaged frame may be characterized as being assembled from individual acoustic line sets obtained by interleaving re-transmission along a given line with different acoustic line receptions in differing scan frames.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj

12-24-06



Francis J. Jaworski  
Primary Examiner